

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LEONARD M. ENGLERT and  
YVONNE ENGLERT,

Plaintiffs,

v.

JAMES K. ISHIGURO,  
KIYOSKI ISHIGURO and  
GENERAL MOTORS CORPORATION,

Defendants.

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ORDER

02-CV-6409T

The above-captioned matter was commenced in 2002 by plaintiffs Leonard and Yvonne Englert (collectively, “the Englerts”) against James Ishiguro, Kiyoski Ishiguro and General Motors Corporation (“the underlying action”). At the time, the Englerts were represented by Cellino & Barnes, P.C. and Gerald W. Schaffer, Jr., Esq. The action was terminated pursuant to a Stipulation of Discontinuance, which was filed on March 9, 2006. (Docket # 41). The Englerts subsequently instituted a state court action against Cellino & Barnes, P.C. and Schaffer for, *inter alia*, malpractice. (Docket # 50-3).

On August 4, 2009, Cellino & Barnes, P.C. and Schaffer filed a motion with this Court for permission to inspect and copy this Court’s notes relating to settlement discussions in the underlying action. (Docket # 50). This Court issued a scheduling order providing that responses were to be filed by August 26, 2009. (Docket # 51). The motion scheduling order was sent to counsel for the defendants in the underlying action and to counsel for the Englerts in the state court action. No opposition to the pending motion has been filed by either counsel.

Accordingly, it is hereby ORDERED, that the motion to inspect and copy this Court's notes relating to settlement discussions in the above-captioned matter (**Docket # 50**) is **GRANTED**. Counsel for Cellino and Barnes, P.C. and Schaffer shall contact chambers at (585) 613-4080 to make arrangements for the inspection and copying.

**IT IS SO ORDERED.**

*s/Marian W. Payson*

MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
October 6, 2009